

REMARKS

Claims 1-16, 18-24, 26-48, 50-56, and 58-69 are pending in the application. Claims 9, 12, 15, 29-31, 36-37, 41, 43-44, 47, 61-66 and 69 stand objected to. Claims 1-16, 18-24, 26-48, 50-56 and 58-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,457,747 to Drexler et al. in view of U.S. Patent No. 5,280,527 to Gullman et al. and U.S. Patent No. 5,179,950 to Osten et al.

Reconsideration is requested. The rejections are traversed. No new matter is added. Claims 1-16, 18-24, 26-48, 50-56, and 58-69 remain in the case for consideration.

The Applicant respectfully requests withdrawal of the finality of this Office Action and the issuance of a new Office Action, per the conversation the Applicant's representative Ariel S. Rogson had with Examiner Zelaskiewicz and Examiner Fischer.

INTERVIEW SUMMARY

On January 30, 2009, the Applicant's representative Ariel S. Rogson spoke with Examiner Zelaskiewicz and Examiner Fischer about the finality of the Office Action dated November 21, 2009. No agreement was reached. Mr. Rogson argued that claims 1 and 32 as amended are identical in scope to former claims 17 and 49. The Examiners argued that, because the features of claim 17 were not placed at the end of claim 1 when claim 1 was amended, the scope of claim 1 as amended is distinguishable from the scope of former claim 17, and therefore finality was proper. Mr. Rogson stated that the rule-module formation step added to claim 1 was added with the other "formative" features of the claim, but that this feature could have been grouped with the other features formerly in claim 17.

The Examiners opined that if the Applicant were willing to state that the order of the features of the claims does not matter, then the new ground of rejection would not have been necessitated by the Applicant's amendment. The Applicant does not believe that the relative order of the features of former claims 1 and 17 affects the scope of the claims, although the order of the features in the individual former claims as they stood before amendment may matter.

The Applicant would also like to point out that claim 32 was amended to include the features of claim 49 at the end of the claim. Given the Examiners' statement that the new ground of rejection with respect to claim 1 was based solely on the failure to group the features of former claim 17 at the end of amended claim 1, the finality of the rejection with respect to claim 32 would seem to be improper.

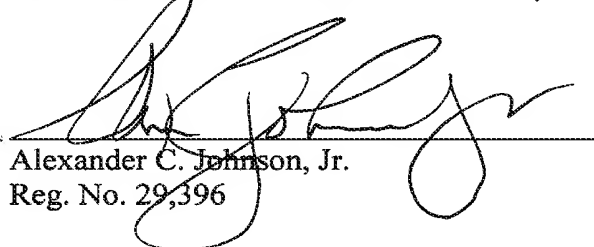
Mr. Rogson also argued that the rejection of former claims 17 and 49 could have been argued without moving the features from claims 17 and 49 into independent claims 1 and 32. If the Applicant had not moved the features from claims 17 and 49 into independent claims 1 and 32, finality would not have been appropriate given the new ground of rejection.

Finally, Mr. Rogson argued that the obviousness-type double-patenting rejection was new and not necessitated by the Applicant's amendment. The Examiners noted that no specific claims had been identified as rejected under the obviousness-type double-patenting rejection, and agreed to withdraw the double-patenting rejection.

For the foregoing reasons, reconsideration and allowance of claims 1-16, 18-24, 26-48, 50-56, and 58-69 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Alexander C. Johnson, Jr.
Reg. No. 29,396

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 60460